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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,900	07/26/2001	Gowri Rajaram	UTL 00073	7631

7590 05/25/2005

Kyocera Wireless Corp.  
Attn: Patent Department  
10300 Campus Point Drive  
San Diego, CA 92121

EXAMINER
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TRAN, CONGVAN

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,900

Applicant(s)

RAJARAM ET AL.

Examiner

CongVan Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57 is/are allowed.
- 6) ☒ Claim(s) 1-3,31 and 33 is/are rejected.
- 7) ☒ Claim(s) 4,32 and 34-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓  
Paper No(s)/Mail Date 12/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. This office action is in response to amendment filed on Dec. 20, 2004.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 31, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. (6,275,694).

Regarding claim 1, Yoshida discloses a method for remotely updating software code for personal handy phone system equipment, comprising: storing system software for the wireless device in a plurality of current code sections (see abstract, fig.3, element 308 and its description); receiving a new code section (see abstract, fig.3, element 310, fig.4, step 410 and its description); arranging the new code section with current code sections to form updated system software for the wireless device (see

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fig.3, elements 308, 310, fig.4, step 410 and its description); and, executing the updated system software (see abstract, fig.4, step 424 and its description).

Regarding claim 2, Yoshida further discloses identifying a first code section for updating; and, wherein arranging the new code section with current code sections to form updated system software includes replacing the first code section with the new code section (see abstract, fig.3, elements 308, 310, fig.4, step 410 and its description).

Regarding claim 3, Yoshida further discloses executing the updated system software includes using the new code section in executing the updated system software (see abstract, fig.4, step 424 and its description).

Regarding claim 31, Yoshida discloses a method for remotely updating software code for personal handy phone system equipment, comprising: storing system software for the wireless device in a plurality of current code sections (see abstract, fig.3, element 308 and its description); receiving new code sections via a wireless communications device air interface (see abstract, fig.3, element 310, fig.4, step 410 and its description); storing the new code sections in a memory file system section (see abstract, fig.3, element 310, and its description); identifying current code sections for updating (see abstract, fig.4, step 418 and its description); replacing current code sections with new code sections to form updated system software for the wireless device (see abstract, fig.3, elements 308, 310, fig.4, step 410 and its description); and, executing the updated system software (see abstract, fig.4, step 424 and its description).

Regarding claim 33, Yoshida discloses a method for remotely updating software code for personal handy phone system equipment, comprising: a code storage section memory including executable wireless device system software differentiated into a plurality of current code sections (see abstract, fig.3, element 308 and its description); a file system section memory for receiving new code sections(see abstract, fig.3, element 310, and its description); a patch library to arrange new code sections in the code storage section with the current code sections (see fig.3, elements 308, 310, fig.4, step 410 and its description); and, wherein the arrangement of new code sections with current code sections in the code storage section forms updated executable system software (see fig.3, elements 308, 310, fig.4, steps 410-424 and its description).

***Allowable Subject Matter***

4. Claims 4-30, 32, and 34-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claim 57 is allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: a file system section memory for storing new code sections received via the airlink interface; wherein the code storage section includes a patch manager code section with a patch library to replace code sections in the code storage section with updated code sections, the patch manager code section further including a code section address table, a symbol offset address table, a symbol accessor code, read-write data, and a symbol accessor code address; and, wherein the arrangement of the new code

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sections, including the updated patch manager code section, with current code sections in the code storage section forms updated executable system software as specifically described in claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2683

May 20, 2005.